

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

Samantha Guery, Individually and on Behalf of All Others Similarly Situated,)	Case No. 1:24-cv-02921-JLR
)	
)	
Plaintiff,)	
v.)	
)	
DraftKings, Inc.,)	DECLARATION OF JOSEPH C.
)	BOURNE IN SUPPORT OF MOTION TO
)	WITHDRAW AS COUNSEL FOR
Defendant.)	PLAINTIFF

I, Joseph C. Bourne, declare the following:

1. I am an attorney and partner at the law firm of Lockridge Grindal Nauen PLLP. I submit this declaration in support of this Motion to Withdraw as Counsel for Plaintiff. I am a member in good standing of the state bars of Minnesota and California, and I am admitted to practice in this action in this Court *pro hac vice*. The matters described in this declaration are based on my personal knowledge, and if called as a witness, I could and would testify truthfully thereto.

2. My law firm and our co-counsel represent Plaintiff Samantha Guery in this action. The law firms and attorneys who have appeared on the pleadings or docket in this case are:

- a. Lockridge Grindal Nauen (Robert K. Shelquist; Rebecca A. Peterson; Joseph C. Bourne; Laura L. Matson);
- b. Reese LLP (Michael R. Reese; Charles D. Moore); and
- c. Boies Battin, LLP (Christopher V. Le; Brian Drockton).

3. I have been the primary attorney contact for Ms. Guery related to this litigation.

4. On June 12, 2024, my co-counsel and I received a letter from counsel for DraftKings raising questions about Ms. Guery's individual claim.

5. On June 13, 2024, I sent Ms. Guery the letter from DraftKings' counsel, by email. That email asked questions about the issues raised in the letter from DraftKings' counsel.

6. On June 18, 2024, I sent Ms. Guery another email following up about these issues.

7. On June 24, 2024, I tried calling Ms. Guery. The call was sent straight to voicemail.

8. On June 24, 2024, I sent Ms. Guery another email following up about these issues.

9. On June 26, 2024, I sent Ms. Guery another email following up about these issues. I explained that as she was not communicating with us about her case, we would not be able to continue representing her. I explained that she could file a notice of dismissal without prejudice.

10. On July 3, 2024, I sent Ms. Guery another email following up about these issues.

11. On July 9, 2024, I sent Ms. Guery a text message following up about these issues.

12. On July 9, 2024, I sent Ms. Guery a letter following up about these issues. I explained that as she was not communicating with us about her case, we would not be able to continue representing her. I explained that we could file a notice of dismissal without prejudice on her behalf, but only with her consent. I explained that we would file this motion to withdraw if we did not hear from her or receive authorization to file a notice of dismissal without prejudice. FedEx delivered this letter to Ms. Guery's residence on July 11, 2024.

13. On July 18, 2024, I sent Ms. Guery another email following up about these issues. I explained that we were preparing to file this motion to withdraw, and that we would do so unless she consented to dismissing her claims without prejudice.

14. On July 18, 2024, I sent Ms. Guery another letter following up about these issues. I explained that we planned to file a motion to withdraw. FedEx delivered the letter on July 22, 2024.

15. On July 26, 2024, I sent Ms. Guery another email following up about these issues. I explained that we were preparing to file this motion to withdraw, that she would need to retain new counsel or proceed pro se, and that defense counsel had indicated to me that DraftKings might seek dismissal of her claim without prejudice if the Court grants this motion to withdraw.

16. All email communications discussed above were made to Ms. Guery's only email address known to me. I successfully communicated with Ms. Guery by email at the same email address between March and the end of May of 2024.

17. All phone calls and text messages discussed above were made to Ms. Guery's only phone number known to me, which is her cell phone number. I successfully communicated with Ms. Guery by telephone on multiple occasions prior to June 13, 2024.

18. All letters discussed above were made to Ms. Guery's only residential address known to me. My law firm received proof of delivery of both letters from FedEx.

19. I did not receive any response from Ms. Guery to any of the communications from June 13, 2024 to the present, as discussed above. No one at my firm or any of my co-counsel received any response from Ms. Guery. Neither I nor any of my colleagues or co-counsel involved in this matter have heard from Ms. Guery since I sent her the email about these issues on June 13, 2024.

20. The counsel for Ms. Guery referenced above in Paragraph 2 are not asserting a retaining or charging lien.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 7, 2024, in Minneapolis, Minnesota.

/s/ Joseph C. Bourne

Joseph C. Bourne

CERTIFICATE OF SERVICE

I, Joseph C. Bourne, hereby certify that on August 7, 2024, I caused a copy of the **DECLARATION OF JOSEPH C. BOURNE IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL FOR PLAINTIFF** to be served by the Electronic Case Filing System, which included the individuals listed below.

Michael Robert Reese REESE LLP 100 West 93rd Street, 16th Floor New York, NY 10025 mreese@reesellp.com	Charles D. Moore REESE LLP 121 N. Washington Ave., 4th Floor Minneapolis, MN 55401 cmoore@reesellp.com
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Additionally, I served the following via U.S. Mail and Certified Mail and provided a courtesy copy by email:

Samantha Guery
1836 Watson Ave., Apt. 7A
Bronx, NY 10472

By: s/ Joseph C. Bourne
Joseph C. Bourne